WP(C) 8748/2001
BEFORE
THE HON'BLE MR. JUSTICE D. BISWAS, CHIEF JUSTICE (ACTING)
THE HON'BLE MR. JUSTICE B.P. KATAKEY

Misc. Case No.1233 of 2007

Heard Mr. G.N. Sahewalla, the learned Sr. counsel for the appell ant as well as Mr. Mahanta, the learned State counsel and Mr. S. Saikia, the lea rned counsel for the respondent/board.

This Misc. Case has been filed praying for amendment of the writ petition in W.P.(C) No. 8748/01. It may be mentioned here that the aforesaid wr it petition has been filed challenging various provisions brought in by the Assa m Agricultural Produce Market (Amendment) Act 2000. Mr. Sahewalla submits that d uring the continuance of the proceedings in the aforesaid writ petition, there i s an amendment, namely Assam Agricultural Produce and Market (Amendment) Act, 20 06, which necessiated the filing of the present application praying for amendmen t of the writ petition, challenging validity of the said amendment of 2006.

Mr. Saikia, the learned counsel for the Board, though, has objec ted the prayer for amendment and prayed for time to file objection, we are not i nclined to accede to such prayer, as in our opinion, the amendment sought for is necessary, in view of the subsequent Amendment Act of 2006, amending the provis ion of the Principal Act, as well as to avoid multiplicity of proceeding. The Bo ard will definitely have the opportunity to file further affidavit-in-opposition and argue that amendment is not ultra-vires to the constitution.

We, therefore, allow the prayer for amendment. The petitioner sh all file the amended writ petition by incorporating the proposed amendment sough t for in this application, within 2 (two) weeks.

Misc. case stands allowed.